



INTERIOR BOARD OF INDIAN APPEALS

Rose A. Deardorff v. Acting Portland Area Director, Bureau of Indian Affairs

18 IBIA 411 (09/04/1990)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ROSE A. DEARDORFF,
Appellant

v.

ACTING PORTLAND AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing, Dismissing, and
: Referring Appeal to Assistant
: Secretary - Indian Affairs
:
:
: Docket No. IBIA 90-134-A
:
: September 4, 1990

This is an appeal from a July 24, 1990, decision of the Acting Portland Area Director, Bureau of Indian Affairs, holding that 58 individuals were qualified to be enrolled in the Crow Creek Band of Umpqua Tribe of Indians under 25 U.S.C. § 712c (1982 and Supps.).

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the appeal must be dismissed.

43 CFR 4.330(b) provides: "Except as otherwise permitted by the Secretary or the Assistant Secretary - Indian Affairs by special delegation or request, the Board shall not adjudicate: (1) Tribal enrollment disputes." The Board has not been given authority to adjudicate this dispute and so must dismiss this appeal for lack of jurisdiction.

The Board refers this matter to the Assistant Secretary - Indian Affairs for consideration under 25 CFR Part 62, concerning enrollment appeals. This referral does not, however, constitute an opinion concerning whether appellant has standing to bring an appeal under that part.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CER 4.1, this appeal from the Acting Portland Area Director's July 24, 1990, decision is dismissed, and this matter is referred to the Assistant Secretary - Indian Affairs.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge